

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: Not-Yet-Assigned

Examiner: Not-Yet-Assigned

NOV - 4 2002
TECHNOLOGY CENTER NO. 100

267/032

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Washington, D.C. 20231

In re the Application of:

Serial No.: 09/940,679

**Filed:** August 27, 2001

POSITIONING A PATIENT

For: APPARATUS AND SYSTEM FOR

Hassan Mostafavi

Sir:

In accordance with 37 CFR § 1.97 and 1.98, and, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A (08-00). Copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF MAILING TRANSMISSION

(37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposit with the Unites States Postal Services on the date shown below with sufficient postage as "First Class Mail" to addressee in an envelope addressed to the Commissioner for Patents, Washington, D.C. 202031

Maritza D. Kidd

Name of Person transmitting Paper

Signature of Person depositing Paper

October 28, 2002 Date of deposit

52092820.1/18721-7048

## Information Disclosure Statement Filing Provision:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application
filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR §
1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first
Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.
However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
The fee due under 37 CFR § 1.17(p) is submitted herewith.
A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.
This IDS is being submitted under 37 CFR § 1.97(i); this IDS does not comply with either 37 CFR § 1.97 or § 1.98. Therefore it is requested to be placed in the file but not considered by the Patent Office. A statement under 37 CFR § 1.97(e) is included below.

Patent 264/032 18721-7048

STATEMENT UNDER 37 CFR § 1.97(e):
Each item contained in this IDS was first cited in any communication from a foreign patent office
a counterpart foreign application not more than three months prior to the filing of this IDS.
No item contained in this IDS was cited in a communication from a foreign patent office in a
ounterpart foreign application, and, to the knowledge of the person signing this statement after making
easonable inquiry, no item of information contained in this IDS was known to any individual designated
37 CFR § 1.56(c) more than three months prior to the filing of this IDS.
PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:
A check in the amount of is enclosed for the above fee(s).
Please charge to Deposit Account No. 50-1189 for the above fee(s).
The Commissioner is authorized to charge any fees required by the filing of these papers, and to
redit any overpayment to Bingham McCutchen's Deposit Account No. 50-1189.
Respectfully submitted,
BINGHAM McCUTCHEN LLP
ated: 11-27-02 By:
Peter C. Mei
Reg. No. 39,768

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400

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PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known			
Application Number	09/940,679		
Filing Date	August 27, 2001		
First Named Inventor	Hassan Mostafavi		
Group Art Unit	Not-Yest-Assigned		
Examiner Name	Not-Yet-Assigned		
Attorney Docket Number	267/032	フ	

			U.S. PATENT DOCU	MENTS	
Examiner Initials *	Cite No.1	U.S. Patent Document Kind Code <sup>2</sup> Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	(if known) 5,389,101	Heilbrun et al	02-14-1995	
	2	5,603,318	Heilbrun et al	02-18-1997	
	3	5,784,431	Kalend et al	07-21-1998	
	4	5,836,954	Heilbrun et al	11-17-1998	
	5	6,146,390	Heilbrun et al	11-14-2000	D <sub>r</sub>
	6	6,165,181	Heilbrun et al	12-26-2000	「「「「
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	FOREIGN PATENT DOCUMENTS							
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Examiner Initials*	Cite No. <sup>1</sup>	Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> ( <i>if known</i> )	or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	Т <sub>6</sub>
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Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark hee if English language Translation is attached.

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PTO/SB/08A (08-00)

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Sheet

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Group Art Unit	Not-Yest-Assigned		
Examiner Name	Not-Yet-Assigned	·	
Attorney Docket Number	267/032		

OTHER DOCUMENTS NON PATENT LITERATURE				
Examiner nitials *	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>	
,	7	FERENCE A. JOLESZ; "Image-Guided Procedures and the Operating Room of the Future"; Radiology; SPL Technical Report # 48; May 1997; 204; 601-612		
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Examiner	Date	
Signature	Considered	

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